

TOWN OF DALTON
BERKSHIRE COUNTY, MASSACHUSETTS
ANNUAL TOWN MEETING

WAHCONAH REGIONAL HIGH SCHOOL
150 OLD WINDSOR ROAD, DALTON, MA
MONDAY, June 29, 2026 AT 7:00 P.M.

MOTIONS AND EXPLANATIONS

ARTICLE 1. I move that the Town amend its vote taken on the motion for Article 3 of the warrant for the May 4, 2026 Annual Town Meeting, by modifying the amounts appropriated for the FY27 operating budget in the following accounts:

Increases:

Account #135 (Town Accountant)	\$ 93,300.00
Account #145 (Treasurer)	\$ 3,600.00
TOTAL INCREASES	\$ 96,900.00

Reductions:

Account #135 (Town Accountant)	(\$ 75,544.00)
TOTAL REDUCTIONS	(\$ 75,544.00)

NET DIFFERENCE **\$ 21,356.00**

Explanation. The Town of Dalton has recently transitioned from an appointed Town Accountant to a consultant-based accountant. This means that some monies designated for salary are moved to expenses within budget # 135 (Town Accountant). Salaries are decreasing \$75,544 from \$109,255 to \$33,711, and expenses are increasing \$93,300 from \$12,501 to \$105,800. Additionally, department # 145 (Treasurer) is increasing \$3,600 to cover the annual costs for time and attendance software for payroll.

ARTICLE 2. *I move that the Town votes to establish a Department #194 Clean Air Committee line item within the FY27 budget.*

Explanation Although the Finance Committee voted to establish a new budget line item for the Clean Air Committee during budget deliberations, it was not added into the list of departments in the budget. This Article corrects that oversight.

ARTICLE 3. *I move that the Town votes to raise and appropriate \$20,000 for the Department # 194 Clean Air Committee line item in the FY27 budget.*

Explanation This article funds the Clean Air Committee budget with \$20,000. During budget deliberations, the Finance Committee approved this budget but it did not get added to the final budget. This money will be used to pay for continued air monitoring and assessment in Dalton.

ARTICLE 4. *I move that the Town votes to transfer \$12,947 from the Capital Stabilization Fund to cover costs expended in FY26 for the Department of Public Works Roof Repair Project.*

Explanation The Town expended \$12,947 in FY26 for the Public Works Roof Project. These costs were not anticipated when issuing short term debt for the FY25 costs for this project. Instead of additional borrowing the costs will now be paid from Capital Stabilization funds.

ARTICLE 5. *I move that the Town amends the Town By-law 350-5 to add “A movable tiny house is a transportable structure built on a chassis designed for year-round living when served by an approved energy and water source and wastewater system; has not less than 150 and no more than 400 square feet of habitable living space, excluding lofts, projections from bay windows, open desks, porches or exterior utility and storage compartments; is designed and built using conventional residential building materials to any single- or two-family dwelling shall be authorized by special permit from the Special Permit Granting Authority provided it meets all of the following conditions for residential placement: (a) requires site plan review; (b) is licensed and registered with the local Registry of Motor Vehicles; (c) meets the American National Standards Institute (ANSI) A119.5 or NFPA (National Fire Protection Association) 1192 safety requirements; (d) is certified by a manufacturer or third-party inspector for ANSI or NFPA compliance and the International Residential Code (IRC) Appendix Q; (e) cannot move under its own power; (f) the undercarriage (wheels, axles, tongue and hitch) shall be hidden from view; (g) is secured by ground anchors that meet weight and height requirements (h) must sit on a level gravel or paved surface.”*

ARTICLE 6. *I move that the Town amends the Town By-law 350.39.1 Accessory Dwelling Unit (ADU) to add “a movable tiny house” to B. Definitions following “a unit that is part of an accessory structure,” and before “or a unit that is part of an expanded or remodeled primary dwelling.”*

* *

Explanation Article 5 and 6 were submitted by Citizen Petition. Originally slated for the Annual Town Meeting, but because of a procedural error on the Town’s part, they are appearing on the special town meeting warrant. Collectively these two articles would allow homeowners (**by special permit**) to place a movable tiny home on their property as an Accessory Dwelling Unit. These units are limited to 400 sf floor areas. Currently, according to MA law, Accessory Dwelling Units are allowed by right in all zoning districts where single-family dwelling are allowed as-of-right or by special permit, but must meet all the MA Building Code requirements for habitability.

It is Town Counsel’s opinion that the combination of Articles 5 and 6 would be struck down by the Attorney General’s Office because these Articles seek to treat tiny homes like ADUs while also requiring a special permit. ADUs as defined in 760 CMR 71.02 are:

A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that: (a) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building Code for safe egress; (b) is not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 900 square feet,

whichever is smaller; and (c) is subject to such additional restrictions as may be imposed by a municipality including, but not limited to, additional size restrictions, and restrictions or prohibitions on Short-term Rental as defined in M.G.L. c. 64G, § 1; provided, however, that no Municipality shall unreasonably restrict the creation or rental of an ADU that is not a Short-term Rental.

To the extent that tiny homes meet the requirements for an ADU as defined in 760 CMR 71.02, they must be allowed as of right in all zoning districts where single-family dwellings are allowed as of right or by special permit. Accordingly, the combination of Articles 5 and 6 as written, would be unlikely to withstand review by the Attorney General's Office.